

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FLORENTINA MAZZONE-URIE,

Plaintiff,

v.

ONEWEST BANK FSB, et al.,

Defendants.

Case No. 21-cv-06075-EMC

**ORDER VACATING HEARING ON  
DEFENDANTS' MOTION TO DISMISS**

Docket No. 65

Defendants PHH Mortgage Corporation and Ocwen Financial Corporation<sup>1</sup> have filed a motion to dismiss which is currently set for hearing on June 13, 2024. It appears that, on May 14, 2024 (prior to the filing of the motion to dismiss), Plaintiff Florentina Mazzone-Urie filed a Chapter 13 bankruptcy petition. It also appears that she listed Defendants as creditors. *See* Case No. 24-30350 (N.D. Cal. Bankr. Ct.).

In light of the bankruptcy petition, the Court hereby **VACATES** the hearing on Defendants' motion to dismiss and orders the parties to file statements addressing how this case should proceed in light of the bankruptcy proceeding. Though the automatic bankruptcy stay (11 U.S.C. § 362) may not apply since it provides protection from claims *against* debtors and, here, Ms. Mazzone-Urie is the plaintiff *asserting* claims, it appears that her main goal in this suit is to prevent a foreclosure. Thus, what happens in bankruptcy may well impact this proceeding (or vice-versa).

---


<sup>1</sup> Defendants represent that Ocwen Loan Servicing, LLC was erroneously sued as Ocwen Financial Corporation. Defendants also represent that PHH is the successor by merger to Ocwen Loan Servicing, LLC.

Each party shall file a statement no later than June 11, 2024. The Court will decide thereafter whether a hearing or status conference should be held.

A courtesy copy of this order shall be emailed to Ms. Mazzone-Urie's bankruptcy counsel Marc Voisenat at voisenat@gmail.com.

**IT IS SO ORDERED.**

Dated: May 21, 2024

  
EDWARD M. CHEN  
United States District Judge